

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JUNE 17, 2002
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner Donald E. Warren, Chairman
Commissioner May Moore, Vice-Chairman
Commissioner David Sandifer
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Mark Seagle, Assistant County Attorney
Debby Gore, Clerk to the Board
Margie Stephenson, Deputy Clerk
Lithia E. Brooks, Fiscal Operations Director

I. CALL TO ORDER

Chairman Warren called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Warren asked if there were any adjustments to the agenda. The following adjustments were made:

1. Chairman Warren requested to remove Item V-E, a Resolution to amend the Register of Deeds hours of operation.
2. The County Attorney requested to add a Closed Session as Item #3 under County Attorney's Report.
3. The County Manager requested to remove the Winding River Agreement, Item #2, from Administrative Report.

Commissioner Sandifer moved to approve the agenda with the adjustments included. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Warren announced that the Planning Board would hold a Transportation Overlay Zone Workshop on Monday, June 24, 2002 in the Health Department Board Room at 6:00 p.m. and encourage all interested citizens to attend.

Chairman Warren asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. John Kinlaw of Shallotte, expressed concerns regarding the Transportation Overlay Zone stating that it will place severe economic hardship on commercial property owners and will devastate citizens who want to sell property in the future, resulting in unnecessary loss of millions of dollars in revenue to Brunswick County property owners. Mr. Kinlaw further stated that the methods and procedures used by the Commissioners and the Planning Board to notify owners of pending rezoning was inadequate and possibly illegal. Mr. Kinlaw feels that the Transportation Overlay Zone should be rewritten to be fair and equitable to all concerned and the County Commissioners need to rescind the Transportation Overlay Zone to avoid possible litigation as to its illegality and assure that all citizens are treated fairly. Mr. Kinlaw suggested that all affected property owners should receive notification of the new proposed rezoning by first class mail and all others by local newspapers.
2. Randall Parker stated he owned property on Highway 904 and was confused as who actually passed the Transportation Overlay Zoning Ordinance: the Planning Board or the Board of Commissioners.

Chairman Warren directed the County Attorney to respond to his question. The County Attorney stated that a zoning ordinance is not effective until the Board of Commissioners approves it and the current Board excluding Commissioner Rabon and Vice-Chairman Moore approved this ordinance in October 2000.

3. Thurman Gause stated that he had not received answers from questions presented at the June 3, 2002 Regular Meeting. Mr. Gause was directed to give his name and address to the County Attorney in order to be notified.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

- A. **Minutes**
 1. Budget Message Minutes of May 30, 2002
 2. Public Hearing Minutes of June 3, 2002
 3. Regular Meeting Minutes of June 3, 2002
- B. **Tax Matters**
 1. Fire Fee Releases for June 2002 (**Exhibit Book 30, Attachment #1**)
 2. Tax Releases for June 2002 (**Exhibit Book 30, Attachment #2**)
 3. Motor Vehicle Valuation & Levy February 2002 (**Exhibit Book 30, Attachment #3**)
- C. **Finance – FY 2001-2002 (Exhibit Book 30, Attachment #4)**

We are in receipt of the following FY 2001-2002 budget amendment requests:

1) Register of Deeds

| | | |
|--------------------|--------------------|--------------|
| \$300,000 Increase | Excise Tax | \$222,000 |
| | Recording Fees | 70,000 |
| | Miscellaneous Fees | <u>8,000</u> |
| | Total | \$300,000 |

This amendment represents the amount estimated to be collected over the current budget appropriation for the remainder of this fiscal year. These amounts are estimated to be due to the State relative to the revenue type listed above. County funds are not involved.

2) Criminal Justice Partnership Program

| | |
|------------------|---------------|
| \$7,838 Decrease | State Revenue |
|------------------|---------------|

This amendment represents a reduction in revenue for the Criminal Justice Partnership Program. This reduction will be made in the contracted services provided by this program. County funds are not involved.

3) Cooperative Extension - Education Program

| | |
|------------------|------------------------|
| \$5,851 Increase | Miscellaneous Revenues |
|------------------|------------------------|

This admendment represents the amounts collected over the current budget appropriation for various education programs administered by Cooperative Extension. These revenues will be used for operating costs of these programs. County funds are not involved.

4) Public Housing

| | |
|-------------------|--------------|
| \$38,438 Increase | HUD Revenues |
|-------------------|--------------|

Public Housing has received an increase in Housing and Urban Development (HUD) funds for FY 01-02. These revenues are for the rental assistance program administered by Public Housing. County funds are not involved.

5) Health Department

A. Animal Control

| | |
|-------------------|---------------------|
| \$10,028 Increase | Animal Control Fees |
|-------------------|---------------------|

This amendment represents the amount collected over the current budget appropriation and the Health Department has requested to appropriate them for operational costs of the program. Additional County funds are not involved.

B. Tuberculosis Program

| | |
|----------------|-----------------|
| \$300 Increase | Title XIX Funds |
|----------------|-----------------|

This amendment is the same as Animal Control as stated above. The only difference is the revenue collected over the current budget appropriation is Title XIX (19) funds.

C. Communicable Diseases

| | |
|------------------|-----------------|
| \$3,809 Increase | Title XIX Funds |
|------------------|-----------------|

This amendment is the same as the Tuberculosis Program as stated above.

D. Immunization Program

| | | |
|------------------|-----------------|--------------|
| \$6,566 Increase | Title XIX Funds | \$3,901 |
| | Fees Collected | <u>2,665</u> |
| | Total | \$6,566 |

This amendment is the same as the Tuberculosis Program as stated above, including fees collected over the current budget appropriation. Additonal County funds are not involved.

E. Breast & Cervical Program

| | | |
|------------------|-----------------|------------|
| \$3,204 Increase | Title XIX Funds | \$3,000 |
| | Fees Collected | <u>204</u> |
| | Total | \$3,204 |

Same as above. Additional County funds are not involved.

F. Child Health Program

| | | |
|------------------|-------------|---------|
| \$6,286 Increase | Clinic Fees | \$6,286 |
|------------------|-------------|---------|

Same as above. Additional County funds are not involved.

G. Family Planning Program

| | | |
|------------------|-----------------|--------------|
| \$9,378 Increase | Title XIX Funds | \$4,480 |
| | Clinic Fees | <u>4,898</u> |
| | Total | \$9,378 |

Same as above. Additional County funds are not involved.

H. Environmental Health

| | | |
|-------------------|------------|--|
| \$13,988 Increase | Local Fees | |
|-------------------|------------|--|

Same as above. Additional County funds are not involved.

6. Water Capital Project Fund and Utility Fund

\$131,339 Transfer to Utility Fund of excess debt proceeds

This amendment represents the balance of debt proceeds in the Sunset Harbor/Holden Beach Interconnect capital project. These remaining debt proceeds must be used toward debt retirement. Therefore, we are requesting these funds be transferred to the Utility fund to offset debt payments this fiscal year. We are working with the independent auditors to close this capital project, and request this amendment so we may do so. County funds are not invoved.

We request the Board's concurrence to amend the FY 2001-2002 Budget Ordinance, the Sunset Harbor/Holden Beach Interconnect Water Capital Project Ordinance accordingly.

- D. **Road Petition (Exhibit Book 30, Attachment #5)**
SR-2 Resolution for Willard Drive SE

- E. **Resolution (removed under Adjustments to the Agenda) (Exhibit Book 30, Attachment #6)**
Request approval of a resolution to amend the hours of operations in the Register of Deeds Office.

VI. ADMINISTRATIVE REPORT

1. Brunswick Amateur Radio – Tower Space – (*Marty Lawing*)

Staff recommends that the Board of Commissioners consider allowing Brunswick County Amateur Radio Society, Inc. to place antennas on the Leland and ADM elevated water tanks.

Commissioner Sue moved to approve the request from Brunswick Amateur Radio Society, Inc. to place antennas on the Leland and ADM elevated water tanks. The vote of approval was unanimous. (**Exhibit Book 30, Attachment # 7**)

2. Winding River – (*Marty Lawing*) (removed under Adjustments to the Agenda)

Staff recommends that the Board of Commissioners consider approving an agreement with Bluegreen Carolina Lands, LLC to accept conveyance of the Winding River Wastewater System. (**Exhibit Book 30, Attachment #8**)

3. Detention Facility Feasibility Study – (*Marty Lawing*)

Staff recommends that the Board of Commissioners receive the Detention Facility Feasibility Study as information.

Steve Allen, Freeman White Inc. gave a summary of the Jail Expansion Study. (**Exhibit Book 30, Attachment #9**)

4. Stormwater Ordinance – (*Marty Lawing*)

Staff recommends that the Board of Commissioners consider setting a Public Hearing on July 1, 2002 at 5:00 p.m. for the revised Stormwater Quality Management and Discharge Control Ordinance.

Vice-Chairman Moore moved to set a Public Hearing for July 1, 2002 at 5:00 p.m. for the revised Stormwater Quality Management and Discharge Control Ordinance. The vote of approval was unanimous. (**Exhibit Book 30, Attachment #10**)

5. Goals & Objectives for FY 2002-2003 – (*Marty Lawing*)

Staff recommends that the Board of Commissioners consider approving eleven Goals & Objectives for FY 2002 - 2003.

Commissioner Sandifer moved to approve the Eleven Major Goals & Objectives for FY 2002-2003. The vote of approval was unanimous. (**Exhibit Book 30, Attachment #11**)

VII. BOARD APPOINTMENTS

1. Four County Community Services, Inc. (2 appointments)

Chairman Warren nominated Vonnie Fulwood and Dellwood Johnson to the Four County Community Services, Inc. Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointments of Vonnie Fulwood and Dellwood Johnson. The vote of approval was unanimous. Vonnie Fulwood was re-appointed to serve an additional three-year term that will expire on June 30, 2005. Dellwood Johnson was re-appointed to serve his first full term (5-year) that will expire on June 30, 2007.

1. Library Board (1 appointment District 5, 3 appointments at-large)

Commissioner Sue nominated Sandra Sue. Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointment of Sandra Sue. The vote of approval was unanimous. Sandra Sue was re-appointed to serve another three-year term that will expire on July 1, 2005.

Commissioner Sandifer moved to table the three at-large appointments until the next meeting. The vote of approval was unanimous.

VIII. COUNTY ATTORNEY'S REPORT

1. Carolina Power and Light – Utility Easement

Utility Easement for CP&L to construct Electric Service to the Northeast Regional Wastewater Treatment Facility.

The County Attorney requested approval of an easement with CP&L in order to establish power to the Northeast Regional Wastewater Treatment Facility.

Commissioner Sue moved to approve the Utility Easement with Carolina Power & Light for the Northeast Regional Wastewater Treatment Facility. The vote of approval was unanimous.

(Exhibit Book 30, Attachment #12)

2. Two-year Extension for Solid Waste Collection

Request approval of a two-year extension with Waste Industries Inc. Solid Waste Agreement. The County Attorney explained that through negotiations with Waste Industries a two-year Extension to the six-year agreement would be modified by the addition of the two terms included in the writing before the Commissioners.

Commissioner Sandifer moved to approve the Two-Year Extension Contract for Solid Waste Collection. The vote of approval was unanimous.

(Exhibit Book 30, Attachment #13)

3. Closed Session (added under Adjustments to the Agenda)

7:47 p.m. Commissioner Sandifer moved to enter Closed Session pursuant to G.S. 143-318.10 (a) (3) potential litigation. The vote of approval was unanimous.

Chairman Warren called for a ten-minute break.

IX. OTHER BUSINESS/INFORMAL DISCUSSION

8:42 p.m. Chairman Warren called the Open Session back to order and announced that no action was taken in Closed Session.

X. ADJOURNMENT

Commissioner Sandifer moved to adjourn the Regular Meeting at 8:43 p.m. The vote of approval was unanimous.

Donald E. Warren, Chairman

Deborah (Debby) Gore, Clerk to the Board